

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**BOARD OF TRUSTEES OF THE )  
SHEET METAL WORKER’S LOCAL )  
NO. 124 PENSION TRUST; THE )  
JOINT BOARD OF TRUSTEES OF )  
THE HEALTH AND WELFARE )  
TRUST; THE BOARD OF TRUSTEES )  
OF THE SHEET METAL WORKERS’ )  
LOCAL UNION NO. 124 VACATION )  
FUND; and THE BOARD OF )  
TRUSTEES OF THE SHEET METAL )  
WORKERS’ APPRENTICE )  
TRAINING TRUST, )**

**Plaintiffs,**

**v.**

**STEWART ENVIRONMENTAL )  
AIR SYSTEMS, INC., )**

**Defendant. )**

**CIV-17-1057-M**

**ORDER GRANTING APPLICATION FOR JUDGMENT DEBTOR  
HEARING ON ASSETS AND ENJOINING JUDGMENT DEBTOR  
FROM TRANSFERRING NONEXEMPT PROPERTY**

On December 21, 2017, United States District Judge Vicki Miles-LaGrange entered a default judgment in favor of Plaintiffs-Judgment Creditors Board of Trustees of the Sheet Metal Worker’s Local No. 124 Pension Trust, The Joint Board of Trustees of the Health and Welfare Trust, The Board of Trustees of the Sheet Metal Workers’ Local Union No. 124 Vacation Fund, and The Board of Trustees of the Sheet Metal Workers’ Apprentice Training Trust (collectively, “Plaintiffs-Judgment Creditors”) and against Defendant-

Judgment Debtor Stewart Environmental Air Systems, Inc. *See* Default J. (Doc. No. 9) at

1-5. The Default Judgment directs that Plaintiffs-Judgment Creditors

shall have judgment *in personam* against the Defendant . . . for penalties on ERISA funds in the amount of \$7,608.87 for late payment of ERISA fringe benefits from January, 2016 through July, 2017, penalties on non-ERISA funds in the amount of \$5,000.00 for late payment of Non-ERISA fringe benefits, Vacation and Related fund penalties in the amount of \$8,250.00 and administrative fees in the amount of \$300.00 and accounting fees in the amount of \$1,000.00, for total damages owed Plaintiffs in the amount of \$22,158.87, plus interest, all accrued and accruing costs of this action, accounting fees, and a reasonable attorney fee to be determined by the Court upon motion by the Plaintiffs.

*Id.* at 5.

Plaintiffs-Judgment Creditors have filed an Application for an order directing Defendant-Judgment Debtor to appear and answer at an asset hearing and enjoining Defendant-Judgment Debtor from transferring, encumbering, or otherwise disposing of nonexempt property pending further order of the Court. *See* Pls.' Appl. (Doc. No. 17) at 1-2; *see* Okla. Stat. tit. 12, § 842(A); Fed. R. Civ. P. 64(a), 69(a). The Application is hereby GRANTED.

Defendant-Judgment Debtor is ordered to appear and to answer under oath concerning its property before United States Magistrate Judge Charles B. Goodwin in Courtroom 103 at the William J. Holloway, Jr. United States Courthouse in the Western District of Oklahoma, 200 Northwest Fourth Street, Oklahoma City, Oklahoma 73102, on September 19, 2018, at 10:00 a.m. *See* Okla. Stat. tit. 12, §§ 841-842, 845, 848-849. Defendant-Judgment Debtor is directed to answer "by an officer thereof," Okla. Stat. tit.

12, § 849, and to appear through counsel admitted to practice in the U.S. District Court for the Western District of Oklahoma, *see* LCvR 17.1, 83.2, 83.3, 83.4.

Defendant-Judgment Debtor is further ordered to bring documents or other records “concerning the judgment debtor’s property, income, or liabilities,” Okla. Stat. tit. 12, § 842(B)(1), to the hearing on the above date, including the following:

1. All financial statements made by Defendant-Judgment Debtor or on behalf of Defendant-Judgment Debtor during the previous three (3) years, and all financial statements made by any Corporation, Limited Liability Company, Partnership, Limited Partnership, or any other entity in which Defendant-Judgment Debtor has an interest during the previous three (3) years;
2. Copies of Defendant-Judgment Debtor’s complete State and Federal Income Tax Returns, including all schedules, for the previous three (3) years, and copies of the complete State and Federal Income Tax Returns, including all schedules, for the previous three (3) years for any Corporation, Limited Liability Company, Partnership, Limited Partnership, or any other entity in which Defendant-Judgment Debtor has an interest;
3. Copies of Defendant-Judgment Debtor’s 1099 Statements for the previous three (3) years;
4. The legal description and copies of deeds of all real estate Defendant-Judgment Debtor owns or in which Defendant-Judgment Debtor has an interest;
5. All books and records, including, but not limited to, balance sheets, profit and loss statements, operating statements, and ledgers for Defendant-Judgment Debtor;
6. All stocks, bonds, and securities of whatever kind owned by Defendant-Judgment Debtor;
7. A complete list of any and all real and personal property, whether tangible or intangible, Defendant-Judgment Debtor owns, or in which Defendant-Judgment Debtor has an interest whether directly or indirectly, including the value of such real and personal property;
8. Copies of all of Defendant-Judgment Debtor’s bank statements, cancelled checks, check registers, mutual funds, money market, cash management, and savings account records for the past one (1) year or in which Defendant-Judgment Debtor

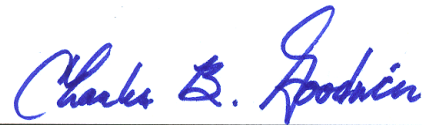
has an interest;

9. Titles to all motor vehicles and equipment owned by Defendant-Judgment Debtor or in which Defendant-Judgment Debtor has an interest, including but not limited to all motor vehicles and equipment owned by any Corporation, Limited Liability Company, Partnership, Limited Partnership, or any other entity in which Defendant-Judgment Debtor has an interest;
10. Copies of all Promissory Notes, Mortgages, Guaranty Agreements, and Security Agreements owed to Defendant-Judgment Debtor by any Corporation, Limited Liability Company, Partnership, Limited Partnership, and all Promissory Notes, Mortgages, Guaranty Agreements, and Security Agreements Defendant-Judgment Debtor owes to any Corporation, Limited Liability Company, Partnership, Limited Partnership;
11. A complete list of all transfers of both real and personal property, or assets of any kind, that Defendant-Judgment Debtor has made within the last four years, and all sales contracts, evidence of consideration paid, promissory notes, and any other documents related to the transfer of said property;
12. All contracts between Defendant-Judgment Debtor and any individual, Corporation, Limited Liability Company, Partnership, Limited Partnership, or any other entity for which Defendant-Judgment Debtor is owed income for materials and labor;
13. A complete list of any and all individuals and/or entities who currently owe Defendant-Judgment Debtor income for material and labor performed and copies of the last invoice provided said individuals and/or entities;
14. A complete list of all income earned by Defendant-Judgment Debtor for services performed by Defendant-Judgment Debtor, whether received by Defendant-Judgment Debtor or not from July 1, 2016 through the present, the date the income was earned, the date the income was received, the individual or entity that paid the income, and the address and telephone number of said entity or individual who paid the income;
15. A complete list of any and all individuals and/or entities with which Defendant-Judgment Debtor is a partner, and the address and telephone number of said individual(s) and/or entity(ies);
16. Copies of all partnership documents, including, but not limited to, partnership agreements in which Defendant-Judgment Debtor has an interest, whether directly or indirectly;

17. A complete list of any and all individuals and/or entities with which Defendant-Judgment Debtor is a limited partner, and the address and telephone number of said individual(s) and/or entity(ies);
18. Copies of all limited partnership documents, including, but not limited to, limited partnership agreements in which Defendant-Judgment Debtor has an interest, whether directly or indirectly;
19. A complete list of any and all individuals and/or entities with which Defendant-Judgment Debtor is a manager of a limited liability company, and the address and telephone number of said individual(s) and/or entity(ies);
20. Copies of all limited liability company documents, including, but not limited to, limited liability company agreements in which Defendant-Judgment Debtor has an interest, whether directly or indirectly;
21. All financial records of Defendant-Judgment Debtor not otherwise described for the past three (3) years; and
22. Any and all other documents concerning Defendant-Judgment Debtor's assets, income, and property.

Defendant-Judgment Debtor is hereby enjoined "from alienating, concealing, or encumbering any of the judgment debtor's nonexempt property pending the hearing and further order of the court." Okla. Stat. tit. 12, § 842(A).

IT IS SO ORDERED this 17th day of August, 2018.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE